

REMARKS

This amendment is offered in response to the Office Action of July 29, 2008. The Office Action rejected claims 2-4, and 8 under 35 U.S.C. §112, second paragraph for failure to particularly point out and distinctly claim the subject matter. Claims 1-10 are rejected as anticipated by U.S. Patent No. 5,384,634 to Takehara et al. ("Takehara").

Applicants have amended claims 2-4, and 8, correcting the issues related to improper antecedent basis. No new matter is being added. Applicant asks to have the rejection withdrawn.

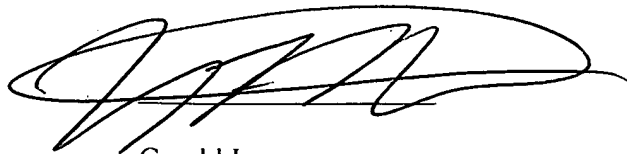
Rejection of claims 1-8 under 35 U.S.C. §102(b) over Takehara

Applicants respectfully submit that claims 1-8 are not anticipated by Takehara. To further clarify the subject matter of the dependent claim 1, applicants have amended claim 1 to clarify the difference between Takehara and the present invention. The holding means of the present invention grips and conveys the sheet bunch. This feature is not taught or disclosed in Takehara. The present invention transfers the sheet bunch before the first staple is disposed and after the first staple is disposed. Further, the transfer of the sheet bunch before the first staple in the direction as disclosed is possible because the sheet bunch is gripped by the holding means. Support for this amendment is found in Page 7, line 17 through Page 8, line 2, Figures 18, Figures 22, and throughout the specification.

It is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

A request for one month extension of time, a request for continued examination, and fees are enclosed. Applicants do not believe that any other fees are due. However, if any additional fees are due, please charge such sums to our Deposit Account: 50-1145.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Gerald Levy', written over a horizontal line.

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